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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,723	05/18/2000	MICHAEL LAMLA	JEK/LAMLA	2431
7590 08/24/2005				
BACON & THOMAS 625 SLATERS LANE 4TH FLOOR ALEXANDRIA, VA 22314-1176			EXAMINER PICH, PONNOREAY	
			ART UNIT 2135	PAPER NUMBER

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

47

Application Number 	Application/Control No. 09/486,723 Ponnoreay Pich	Applicant(s)/Patent under Reexamination LAMLA ET AL. Art Unit 2135
Document Code - AP.PRE.DEC		

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 07/26/05.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other: .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 8, 12, 14.

Claim(s) withdrawn from consideration: _____.

☒ *See attachment*

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Ponnoreay Pich.

(3) _____.

(2) Kimyen Vu.

(4) _____.

DETAILED ACTION

Response to Arguments

Applicants cited Figures 1A-1C and stated that Caputo patent does not disclose the feature of authenticating a data carrier with an external device wherein first and second transmission channels or devices arranged to generate first and second signals are provided for both the data carrier and external device which exchange signals between corresponding first and second transmission channels. Examiner would like to direct applicants to Fig 5A and columns 7-8 to support this claimed limitation. In Fig 5A, Caputo shows the data carrier, item 57, communicating with one external device, item 53. As shown in Fig 5A, there is a communication between first and second devices in both data carrier and external devices using two separate channels, i.e. see the arrows connecting them. Thus, it is clear that the Caputo patent anticipates the claimed limitation as applicant raised in point 1 of the arguments. Since the first argument is taught in the Caputo patent, the remaining arguments are flown with the teachings in the first argument.

Conclusion

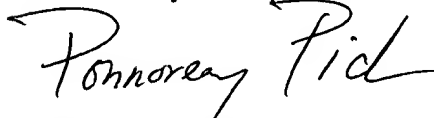
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 8:00am-4:30pm Mon-Fri.

Art Unit: 2135

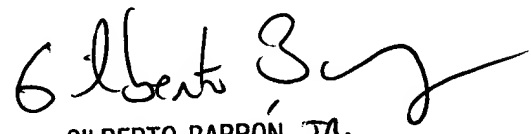
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ponnoreay Pich (Junior Examiner)



Kimyen Vu (SPE)



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